



Legislation Text

File #: 22-723, **Version:** 1

Resolution making findings approving a Use Permit, Design Review, Tentative Parcel Map and Transportation Demand Management Plan to subdivide the property to create a total of three parcels, construct one new residential building containing 183 residential units, three Office/R&D buildings totaling approximately 750,000 square feet, ancillary uses and associated parking at 180 El Camino Real (Assessor's Parcel Number 014-183-110) in the El Camino Real Mixed Use (ECRMX) Zoning District.

WHEREAS, the applicant has proposed to subdivide the property to create a total of three parcels, construct one new residential building containing 183 residential units, three Office/R&D buildings totaling approximately 750,000 square feet, ancillary uses and associated parking at 180 El Camino Real (Assessor's Parcel Number 014-183-110), (collectively referred to as "Project Site") in the City; and

WHEREAS, the proposed 180 El Camino Real Residential/R&D Project is located within the El Camino Mixed-Use (ECRMX) Zoning District; and

WHEREAS, the applicant seeks approval of a Conditional Use Permit (UP21-0013), Design Review (DR21-0045), Transportation Demand Management Plan (TDM21-0012), and Tentative Parcel Map (PM21-0003), for the Project; and

WHEREAS, approval of the applicant's proposal is considered a "project" for purposes of the California Environmental Quality Act (Public Resources Code §21000, et seq.) ("CEQA"); and

WHEREAS, in 2010 the City Council certified the 2009 Environmental Impact Report ("2009 EIR") (State Clearinghouse number 2009062070) in accordance with the provisions of CEQA and the CEQA Guidelines, which analyzed the potential environmental impacts of the development of the South El Camino area; and

WHEREAS, the City Council also adopted a Statement of Overriding Considerations ("SOC") in January 2010 in accordance with the provisions of CEQA and the CEQA Guidelines, which carefully considered each significant and unavoidable impact identified in the EIR and found that the significant environmental impacts are acceptable considering the project's economic, legal, social, technological and other benefits; and

WHEREAS, the 2009 EIR was certified in accordance with the provisions of the California Environmental

Quality Act (Public Resources Code, §§ 21000, et seq., “CEQA”) and CEQA Guidelines, which analyzed the potential environmental impacts of the Project; and

WHEREAS, pursuant to CEQA Guidelines Section 15164, an addendum to the 2009 EIR was prepared for the Project (“2022 Addendum”) which evaluates whether preparation of a Subsequent EIR or Negative Declaration is required; and

WHEREAS, the 2022 Addendum concludes that in accordance with Public Resources Code § 21166 and CEQA Guidelines § 15162, the implementation of the 180 ECR Residential/R&D Project will not cause new significant impacts, will not trigger any new or more severe impacts than were studied in the previously certified 2009 EIR, that no substantial changes in the project or circumstances justifying major revisions to the previous EIR have occurred, that no new information of substantial importance has come to light since the 2009 EIR was certified that shows new or more severe significant impacts and there are no new, different or more feasible mitigation measures to mitigate impacts of the Project that the applicant declines to implement; and

WHEREAS, the City Council previously adopted a Mitigation Monitoring and Reporting Program for development of the South El Camino area and a Statement of Overriding Considerations for the project’s significant and unavoidable impacts, both of which remain in full force and effect; and

WHEREAS, by separate resolution, the City Council found that per CEQA Guidelines section 15162, the Project does not require any further CEQA review, and that the 2022 Addendum, prepared pursuant to CEQA Guidelines section 15164, is the appropriate environmental document for approval of the Project; and

WHEREAS, the Planning Commission held a lawfully noticed public hearing on August 18, 2022 at which time interested parties had the opportunity to be heard, and to review the Project and supporting documents, prior to making its recommendation on the Project; and

WHEREAS, the City Council held a lawfully noticed public hearing on September 14, 2022 at which time interested parties had the opportunity to be heard, and to review the Project and supporting documents, prior to making its decision on the Project; and

WHEREAS, the City Council exercised its independent judgment and analysis, and considered all reports, recommendations and testimony before making a determination on the Project.

NOW THEREFORE, based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code §21000, et seq. (“CEQA) and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the South San Francisco General Plan, and General Plan Environmental Impact Report; the South San Francisco Municipal Code; the 2009 South El Camino General Plan Amendment EIR and Statement of Overriding Considerations; 2022 Addendum to the 2009 EIR; the Project applications; the 180 El Camino Real Residential/R&D Project Plans, as prepared by SOM, dated August 10, 2022; all site plans, and all reports, minutes, and public testimony submitted as part of

the Planning Commission's duly noticed August 18, 2022 meeting; all site plans, and all reports, minutes, and public testimony submitted as part of the City Council's duly noticed September 14, 2022 meeting; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the City Council of the City of South San Francisco hereby finds as follows:

SECTION 1 **FINDINGS**

A. General

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The Exhibits attached to this Resolution, including the 180 ECR Residential/R&D Draft Conditions of Approval (Exhibit A), Entitlement Plan Set (Exhibit B), Zoning Conformance Checklist (Exhibit C), and the Transportation Demand Management Program (Exhibit D) are each incorporated by reference and made a part of this Resolution, as if set forth fully herein.
3. The documents and other materials constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of the Chief Planner.

B. Conditional Use Permit

1. The proposed Project is consistent with the standards and requirements of the City's Zoning Ordinance and with the provisions of the El Camino Real Mixed Use (ECRMX) Zone District. The Project meets or exceeds all the general development standards of the El Camino Real Mixed Use Zone District, with the exception of the building length and separation requirement, the parking requirements, and hours of operation. The stated exceptions are permissible and warranted by the City's Zoning Ordinance, specifically South San Francisco Municipal Code Sections 20.090.004 and 20.090.006.
2. The proposed Project is consistent with the General Plan and South El Camino Real Planning Subarea by creating a high-density mixed-use project that includes residential, commercial and employment uses and emphasizes ground-floor activation, pedestrian and bicycle improvements, connections to transit, that implements the goals of the General Plan for the South El Camino area, provides a well-articulated and visually engaging development that implements the goals of the Grand Boulevard Initiative and the El Camino Real Master Plan and locates parking in a way that is not visually dominant, and is consistent with the City's Design Guidelines as they relate to building design, form and articulation.
3. The proposed mixed-use project will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements, because the proposed use is consistent with the approved uses in the General Plan and Zoning Ordinance. The Project proposes high-density mixed-uses located in the City's South El Camino area, which is intended for this type of use, and would be redeveloping underutilized parcels that are proximate to transit, retail, and service uses.

The General Plan has analyzed this type of use and concluded that such mixed uses are not adverse to the public health, safety, or welfare. As the proposed Project is consistent with other mixed-use and residential land uses in the El Camino Real Mixed Use District, approval of the Project will not be detrimental to nearby properties. Further, the proposed use is well-suited to the site, and would improve the property for surrounding users and the City. In addition, the 2022 Addendum prepared for the Project concludes that as a result of the Project no new significant or substantially more severe impacts would result from the Project beyond those previously analyzed and addressed in the 2009 EIR. Further, the Project has been designed to mitigate external noise, such that the Project's proximity to the San Francisco International Airport will not result in adverse impacts to public health, safety or general welfare.

4. The proposed Project complies with applicable standards and requirements of the City's Zoning Ordinance, with the exception of the building depth and separation requirement, the parking requirements, and hours of operation. The stated exceptions are permissible and warranted by the City's Zoning Ordinance. The proposed Project is located in the El Camino Real Mixed Use District and, subject to the exceptions discussed above in Section B.1, which are permissible and warranted by the City's Zoning Ordinance, meets the minimum standards and requirements for that district.

The exception for the number of parking spaces is allowable under the City's Municipal Code Section 20.330.006(D), and warranted based on the following findings:

- a. Special conditions exist because the site is proximate to both the San Bruno BART station and to several SamTrans bus lines, including rapid bus service on El Camino Real, and is adjacent to several large residential neighborhoods and large commercial centers containing retail, restaurants, and services.
- b. The proposed parking standard will be adequate for the proposed use because of the offered alternative solutions for providing and managing parking. The Project is required to implement a TDM Program on an on-going basis over the life of the Project with a required alternative mode shift of 40%. The TDM requirements applicable to the Project, the fact that similar reduced standards have been accepted and/or successfully applied within several large developments in the City, including both commercial and biotech campuses, and the studies from the Institute of Transportation Engineers (ITE), all support a reduced parking standard. The project will be providing parking in keeping with the proposed parking requirements in the pending General Plan Update and associated Zoning Code, which is establishing parking standards that serve to support and promote the TDM program.
- c. The reduced parking rate reinforces the overall efforts of the City's General Plan and the TDM Ordinance, which encourage reduced parking standards as an effective tool in encouraging use of

alternative modes of transportation other than single occupancy vehicles.

- d. The parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area as no on-street parking is permitted on any of the immediately adjacent streets, including El Camino, South Spruce Ave and Huntington Ave. As described above, there is ample evidence to support the proposed parking reduction, and there is added concern that an overabundance of parking could have a deleterious effect on the goals and objectives of the City's TDM efforts since such would serve as a disincentive to use of alternative modes of transportation.
5. The exception for the operations occurring on-site between 12:00 A.M. and 6:00 A.M. is allowable under the City's Municipal Code Section 20.490.002(B). Operations during these hours will only include employee access to the research and development uses on a 24-hour basis; public access to the research and development uses and to the ancillary commercial tenant spaces is not included. The site is situated directly adjacent to El Camino Real and South Spruce Ave., larger arterial roadways that provide direct access and that serve as a buffer between the proposed use and residential neighborhoods in the area. Surrounding residential uses would not be negatively impacted by the limited amount of research and development tenant use occurring during these hours.
6. The design, location, size, and operating characteristics of the proposed Project are compatible with the existing and reasonably foreseeable future land uses in the vicinity because the Project proposes mixed-use development, including residential, commercial and employment uses, in the El Camino Real Mixed Use District, which is specifically intended for such uses. Further, the Project has been designed to mitigate external noise, such that the Project will be compatible with the existing and reasonably foreseeable land uses in the vicinity, including those uses associated with the San Francisco International Airport.
7. With the exception of the building dimension requirement and parking reduction, the proposed Project complies with any design or development standards applicable to the zoning district and the use in question and has been vetted and recommended for approval by the City's Design Review Board at its meetings of March 28, 2022 and May 17, 2022.
8. Per South San Francisco Municipal Code Section 20.090.004(A), El Camino Mixed-Use Development Standards, an increase in FAR and height may be achieved in the ECRM District through a combination of the following elements per an incentives program: Transportation Demand Management (TDM) measures, and provision of off-site improvements, which may include off-site amenities and or / infrastructure other than standard requirements and improvements. The 180 ECR Residential/R&D project is consistent with the accepted list of public benefits outlined in South San Francisco Municipal Code Section 20.090.004(A) because the project will provide a robust TDM program with a 40 percent alternative mode split, intended to reduce peak-hour vehicle trips, and will

provide a community benefits package that includes the expediting of construction of the Safeway project on an adjacent parcel, median improvements to El Camino Real between South Spruce Avenue and Country Club Drive, and funds that will help facilitate the construction of a new fire station for the civic center campus area. Thus, the project is meeting the requirements for the requested FAR and height per the incentives program.

9. Per South San Francisco Municipal Code Section 20.090.006 (A), ECRMX Supplemental Regulations, Building Length and Separation, the maximum dimension of the portion of a building above 45' from finished grade shall not exceed 125', and must be separated from another building by 30'. Exceptions and modifications to this requirement may be granted, based on a finding that adequate design features have been incorporated to create visual variety and avoid a large-scale, bulky, or monolithic appearance. Building 1 is proposed with a building length of 266' facing El Camino Real. The building façade has been designed to have multiple stepbacks, transparency throughout the building, open space terraces on the third-floor level, and multiple building openings to prevent a monolithic and bulky appearance. Thus, this is an appropriate exception to the required building length for Building 1.
10. The site is physically suitable for the type of development and density proposed, as the residential, commercial and employment uses will all benefit from being located in close proximity to the San Bruno BART station, SamTrans bus routes, surrounding residential, retail and services uses, and pedestrian and bicycle amenities, and the size and development is appropriate for the location and meets the City's land use and zoning standards, as amended by the Conditional Use Permit process. Access to the site via existing roadways is sufficient as the project is within a built-out urban environment, utilities are provided on-site or proposed for minor upgrades, and no physical constraints such as topography or lack of facilities exists that would prevent suitable development.
11. The City Council, pursuant to CEQA Guidelines section 15164, subsection (d), has considered the 2022 Addendum prepared for the Project including the related environmental analysis, along with the previously certified 2009 EIR. Upon consideration of the 2022 Addendum, the City Council finds that the proposed Project will not result in any of the conditions identified in CEQA Guidelines section 15162 that would require further environmental review through preparation of a subsequent or supplemental EIR. The Project will not create any new significant impacts or substantially more severe impacts as compared to those already identified and analyzed in the 2009 EIR. Further, the City Council finds that there is no new information of substantial importance that demonstrates new or substantially more severe significant effects, as compared to those identified in the prior CEQA documents. In addition, there are no new, additional, or more feasible mitigation measures required to mitigate any impacts of the Project that the applicant declines to implement.

C. Design Review

1. The Project, including Design Review, is consistent with Title 20 of the South San Francisco Municipal Code because the Project has been designed as a high-density mixed-use project which will provide a pedestrian-friendly, transit-oriented environment with sustainability elements incorporated.

2. The Project, including Design Review, is consistent with the General Plan because the proposed high-density mixed-use development is consistent with the policies and design direction provided in the South San Francisco General Plan for the El Camino Real Mixed Use land use designation by developing new residential, commercial and employment uses within close proximity to the BART Station, by activating the streetscapes on El Camino Real and South Spruce Avenue, and by providing active uses.
3. The Project, including Design Review, is consistent with the applicable design guidelines adopted by the City Council in that the proposed Project is consistent with the El Camino Real Mixed Use Design Guidelines, as evaluated in the Zoning Ordinance Compliance analysis for the Project.
4. The Project is consistent with the Use Permit for the reasons stated in Section B above.
5. The Project is consistent with the applicable design review criteria in South San Francisco Municipal Code Section 20.480.006 (“Design Review Criteria”) because the project has been evaluated by the Design Review Board on March 28, 2022 and May 17, 2022 and found to be consistent with each of the eight design review criteria included in the Design Review Criteria” section of the Ordinance.

D. Transportation Demand Management Program

1. The Project’s proposed trip reduction measures are feasible and appropriate for the Project, considering the proposed use or mix of uses and the Project’s location proximate to the San Bruno BART station and multiple SamTrans bus lines, and adjacency to residential and retail/service uses that will encourage alternative transportation modes and reduce single occupant vehicle use; and
2. The proposed performance guarantees will ensure that the target 40% alternative mode use established for the Project will be achieved and maintained. Conditions of approval have been included to require that the Final TDM Plan, which must be submitted for review and approval prior to issuance of a building permit, shall outline the required process for on-going monitoring including annual surveys.

E. Tentative Parcel Map

1. The proposed vesting tentative parcel map, prepared by Ware Malcomb and dated August 10, 2022, including the proposed designs and improvements, is consistent with the City’s General Plan and South El Camino Real Sub-Area because the tentative map would facilitate the development of a pedestrian-oriented mixed-use project which would implement the goals of the South El Camino Real Sub-Area.
2. The proposed vesting tentative parcel map is consistent with the standards and requirements of the City’s Zoning Ordinance.
3. The vesting tentative parcel map complies and meets all the requirements of Title 19 of the South San Francisco Municipal Code (“Subdivisions”) and with the requirements of the State Subdivision Map Act, including as to design, drainage, utilities, road improvements, and any offers of dedication.

4. The Project site is physically suitable for the type of development and density proposed, as the mixed-use project will be located on underutilized parcels on El Camino Real which calls for pedestrian-oriented high intensity active use along El Camino Real.
5. The vesting tentative parcel map is consistent with the analysis included in the Addendum to the 2009 EIR, and the approval of this vesting tentative map would not result in any new significant environmental effects or a substantial increase in the severity of any previously identified effects beyond those disclosed and analyzed in the 2009 EIR adopted by City Council, nor does the vesting tentative parcel map constitute a change in the Project or change in circumstances that would require additional environmental review.
6. The design and improvements of the vesting tentative parcel map are not in conflict with any existing public easements.
7. The property is located in a developed, urban setting, and is not subject to a Williamson Act contract, an open space easement, a conservation easement, or an agricultural conservation easement. The surrounding land uses and resulting parcels would not support agricultural uses; the resulting parcels would result in commercial development not incidental to commercial agricultural use of the land.

SECTION 2 **DETERMINATION**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of South San Francisco hereby makes the findings contained in this Resolution and approves the entitlements request for 180 ECR Residential/R&D Project (P21-0126, UP21-0013, DR21-0045, TDM21-0012, and PM21-0003) subject to the attached Conditions of Approval.

BE IT FURTHER RESOLVED that the resolution shall become effective immediately upon its passage and adoption.